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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,119	06/25/2001	Masanobu Saito	35.CI5478	7331
5514	7590	07/09/2004		EXAMINER
				NGHIEM, MICHAEL P
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/887,119	SAITO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael P Nghiem	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 April 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2,3,5-7,11-15 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 2,3,5,6 and 25-29 is/are allowed.
- 6) Claim(s) 7,11-15 and 19-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. <u>6-28-04</u> .                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

The Amendment filed on April 15, 2004 has been acknowledged.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 11-15, and 19-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 23, and 24, "... such that a pulse width for an image pixel, to which another image pixel adjacent in a sub-scanning direction exists and is exposed in a different main scanning, **is shorter than a pulse width for pixel to which another image pixel adjacent a sub-scanning direction and exposed in a different main scanning doesn't exist**" is not understood.

Fig. 14 of the current application shows an image pixel of Beam A adjacent an image pixel of Beam B in a sub-scanning direction. Pixel A has a shorter pulse width than pixel B, which exists in a different main scanning.

Claim 15, "... such that a pulse width for an image pixel, to which another image pixel adjacent in a sub-scanning direction exists and is exposed in a common main scanning, **is longer than a pulse width for a pixel to which another image pixel adjacent a sub-scanning direction and exposed in a different main scanning doesn't exist**" is not understood.

Fig. 15 of the current application shows an image pixel of Beam A adjacent an image pixel of Beam B in a sub-scanning direction. Pixel A has the same pulse width as pixel B, which exists in a common main scanning.

The remaining claims are also rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a rejected base claim.

***Allowable Subject Matter***

2. Claims 2, 3, 5, 6, and 25-29 are allowed.
  
3. Claims 7, 11-15, and 19-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

***Reason for Allowance***

4. The combination or method as claimed wherein an image forming apparatus comprising a latent image forming means which does not pulse-width-modulate the drive signal in the case that at least two of the plurality of semiconductor lasers are simultaneously turned on in one scanning, and pulse-width-modulates the drive signal in the case that one of the plurality of semiconductor lasers is turned on in one scanning (claims 2, 3, 5, 6) or controlling the modulation such that a pulse width for an image pixel, to which another image pixel adjacent in a sub-scanning direction exists and is exposed in a different main scanning, is shorter than a pulse width for pixel to which another image pixel adjacent a sub-scanning direction and exposed in a different main scanning doesn't exist (claims 7, 23, 24) or controlling the modulation such that a pulse width for an image pixel, to which another image pixel adjacent in a sub-scanning direction exists and is exposed in a common main scanning, is longer than a pulse width for a pixel to which another image pixel adjacent a sub-scanning direction and exposed in a different main scanning doesn't exist (claim 15) or image pixels, each of which is adjacent to another image pixel in a sub-scanning direction, are exposed in different scannings such that an exposure amount to expose at least one of the image pixels relatively decreases compared to a case that the image pixels are exposed in a common scanning (claims 25, 29) is not disclosed, suggested, or made obvious by the prior art of record.

***Response to Arguments***

7. Applicant's arguments have been considered but are traversed in view of the discussions above.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571)

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272-2277. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (571) 272-2269. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM  
PRIMARY EXAMINER

Michael Nghiem

July 8, 2004